

FILED
GREAT FALLS DIV.

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PATRICK J. MCNAMEE, CLERK
BY _____
DEPUTY CLERK

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MONTANA
GREAT FALLS DIVISION**

LEVI DANIELS,

Plaintiff,

No. CV 07-14-GF-SEH

vs.

MR. MacDonald, et al.,

Defendants.

ORDER

On August 9, 2007, United States Magistrate Judge Keith Strong entered Findings and Recommendation¹ in this matter. Plaintiff did not file objections. No review is required of proposed findings and recommendations to which no objection is made. Thomas v. Arn, 474 U.S. 140, 149-152 (1986). However, this Court will review Judge Strong's Findings and Recommendation for clear error.

Upon *de novo* review of the record, I find no clear error in Judge Strong's Findings and Recommendation and adopt them in full.

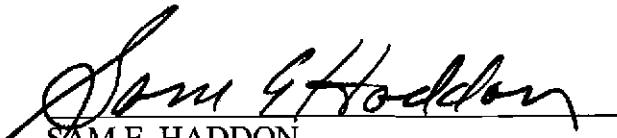
¹ Docket No. 7

ORDERED:

1. Plaintiff's Complaint² is DISMISSED with prejudice for failure to state a claim upon which relief may be granted.
2. The filing of this action counts as one strike for failure to state a claim. 28 U.S.C. § 1915(g).
3. Any appeal from this disposition will not be taken in good faith as the conditions of confinement alleged in the Complaint fall far short of what is required to show a violation of the United States Constitution. Fed. R. App. P. 24(a)(3). Plaintiff would have to allege substantially different and harsher conditions of confinement to plead a viable claim under 42 U.S.C. § 1983.

The Clerk of Court is directed to enter judgment accordingly.

DATED this 5 day of September, 2007.



SAM E. HADDON
SAM E. HADDON
United States District Judge

² Docket No. 1